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10/706,173	11/12/2003	Amit Shachak	1005-4-01 USP	6121

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EXAMINER	
FIGUEROA, MARISOL	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/706,173	SHACHAK, AMIT	
	Examiner	Art Unit	
	Marisol Figueroa	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 January 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,7-13 and 17-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,7-13 and 17-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Applicant's amendment filed 01/11/2006. Claims 1-3, 7-13, and 17-20 are now pending in the present application. Claims 4-6, and 14-16 were cancelled.

Response to Arguments

2. Applicant's arguments with respect to claims 1-3, 7-13, and 17-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claims 1, 3, 8, 9, 11, 13, 18, and 19 are objected to because of the following informalities:

(a) On line 11 of claim 1, line 13 of claim 11, and lines 2 of claims 3, 8, 9, 13, 18 and 19; replace "if" for --when-- ~~for better understanding of~~ to positively recite the claim limitations.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1, 2, 11, and 12** are rejected under 35 U.S.C. 102(e) as being anticipated by Okkonen et al. (US 2004/0166839 A1).

Regarding claim 1, Okkonen discloses a method of updating database records associated with configuration data stored in at least one mobile device in a mobile communication network, the method comprising:

determining if the configuration data stored in a mobile device has been modified by an end user of the mobile device (p.0036, lines 7-12; p.0040; p.0038; p.0056-0057; an agent in the electronic device determines when a SIM card is being changed, i.e. modification in configuration data, by comparing with stored information from a previous inserted SIM card), wherein the configuration data is used by a processor of the mobile device to identify, process and route communication signals between the mobile device and one or more communication stations in the mobile communication network (p.0056, lines 7-11; the SIM card stores data such as an end-user's unique identity and user's account number with a carrier network, which is notoriously well known that allows wireless communication with the carrier the user has an account with);

transmitting the configuration data to a server system for updating respective records of a database in the mobile communication network, in response to the configuration data being modified in the mobile device (p.0037-0038; p.0039, lines 1-6; p.0048, lines 1-5; p.0049; the agent of the electronic device reports the changes of the SIM card to a service coordinator, i.e. server system, and saves the changes in its database), wherein the updating of the respective records of the database comprises:

comparing the configuration data with the respective records of the database (p.0057; the SIM card information is compared with information stored of the portable device previously saved in the electronic device and therefore also in the service coordinator database); transmitting the configuration data to the server system, if it is determined that the configuration data is different from that stored in the respective records of the databases (p.0059, lines 1-4) and replacing at least

one record in the database based on the modified configuration data (p.0039, lines 1-6; p.0049, lines 1-7),

such that a customer service agent can access the database records to determine the mobile device's configuration for trouble shooting purposes (Fig.5; step 517; p.0059, lines 1-7; the service coordinate may coordinate updates of software and firmware to the mobile phone).

Regarding claim 2, Okkonen disclose the method of claim 1, further comprising: transmitting the configuration data to the server in real time (p.0038; the agent reports the changes of SIM card to the service coordinator as they are detected, i.e. real time).

Regarding claim 11, Okkonen discloses a system for updating database records associated with configuration data stored in at least one mobile device in a mobile communication network, the system comprising;

a comparator for determining if the configuration data stored in the mobile device has been modified by an end user of the mobile device (p.0036, lines 7-12; p.0040; p.0038; p.0056-0057; an agent in the electronic device compares the information of a SIM card with information previously stored in the portable device for detecting a change of SIM card, i.e. configuration data), wherein the configuration data is used by a processor of the mobile device to identify, process or route communication signals between the mobile device and one or more communication stations in the mobile communication network (p.0056, lines 7-11; the SIM card stores data such as an end-user's unique identity and user's account number with a carrier network, which is notoriously well known that allows wireless communication with the carrier the user has an account with); and

a transmitter for transmitting the configuration data to a server system in the mobile communication network for updating respective records of a database, in response to the configuration data being modified in the mobile device (p.0037-0038; p.0039, lines 1-6; p.0048, lines

1-5; p.0049; the agent of the electronic device reports the changes of the SIM card to a service coordinator, i.e. server system, and saves the changes in its database and one of ordinary skill in the art would recognize that the portable device includes a transmitter for reporting or otherwise transmit the SIM card changes to the service coordinator),

wherein the configuration data is directly compared with the respective records of the database (p.0057; the SIM card information is compared with information stored of the portable device previously saved in the electronic device therefore also in the service coordinator database), and at least one record is updated based on information contained in the configuration data, if it is determined that the configuration data is different from that stored in the respective records of the databases (p.0039, lines 1-6; p.0049, lines 1-7).

Regarding claim 12, Okkonen disclose the system of claim 11, wherein the transmitter transmits the configuration data to the server system in real time (p.0038; the agent reports the changes of SIM card to the service coordinator as they are detected, i.e. real time).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. **Claims 3 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Okkonen et al. in view of Roth et al. (US 2005/0164692 A1).

Regarding claim 3, Okkonen discloses the method of claim 1, but fails to particularly

disclose transmitting the configuration data to the server system within a predetermined time period, if it is determined that the configuration data is modified in the mobile device. However, in a related field of endeavor Roth teaches a method of wirelessly transmitting changes of user-configurable customization by a user of a mobile communication device to a remote server when detecting the user-configurable customization of any of the applications has changed since an earlier time, i.e. the updated database entries are transmitted at a predetermined time (abstract; p.0008, lines 1-18).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to one having ordinary skill in the art, to schedule at a predetermined time the transmission of the configuration data to the server as suggested by Roth, because scheduling of a data transfer to a server would ideally take place during a time period when the user is not using the device so as not to interfere with normal use.

Regarding claim 13, Okkonen discloses the system of claim 11, but fails to particularly disclose transmitting the configuration data to the server system within a predetermined time period, if it is determined that the configuration data is modified in the mobile device. However, in a related field of endeavor Roth teaches a method of wirelessly transmitting changes of user-configurable customization by a user of a mobile communication device to a remote server when detecting the user-configurable customization of any of the applications has changed since an earlier time, i.e. the updated database entries are transmitted at a predetermined time (abstract; p.0008, lines 1-18).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to one having ordinary skill in the art, to schedule at a predetermined time the transmission of the configuration data to the server as suggested by Roth, because scheduling of a data transfer to a server would ideally take place during a time period when the user is not using the device so as not to interfere with normal use.

8. **Claims 7, 8, 17, and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Okkonen et al. in view of Hoshino et al. (US 2004/0006572 A1).

Regarding claims 7 and 8, Okkonen discloses the method of claim 1 but fails to particularly disclose determining that the configuration data is invalid and correcting the configuration data when invalid. However, those features are well known in the art and Hoshino is evidence of the fact. Hoshino teaches an apparatus for acquiring configuration information that judges whether some parameters of the configuration information are valid and correct the invalid parameters (p.0041, lines 1-15). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to determine when configuration data is invalid and correct it as suggested by Hoshino, in order to provide the mobile device with a reliable communication.

Regarding claims 17 and 18, Okkonen discloses the system of claim 11 but fails to particularly disclose determining that the configuration data is invalid and correcting the configuration data when invalid. However, those features are well known in the art and Hoshino is evidence of the fact. Hoshino teaches an apparatus for acquiring configuration information that judges whether some parameters of the configuration information are valid and correct the invalid parameters (p.0041, lines 1-15). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to determine when configuration data is invalid and correct it as suggested by Hoshino, in order to provide the mobile device with a reliable communication.

9. **Claims 9 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Okkonen et al. in view of Hoshino et al., and further in view of Beadles et al. (US 2003/0037040 A1).

Regarding claim 9, the combination of Okkonen and Hoshino disclose the method of claim 7, but fails to particularly disclose generating an alert if the configuration is invalid. However,

this feature is well known in the art and Beadles is evidence of the fact. Beadles teaches a configuration checker used to validate a new configuration applied by a customer and checks for any violation on the configuration, i.e. invalid configuration, and reports, i.e. alert, the violations in order for the user to correct the configuration conform with the system (p.0027). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to generate an alert when the configuration is invalid as suggested by Beadles, to ensure that the configuration of the mobile device is always valid.

Regarding claim 19, the combination of Okkonen and Hoshino disclose the system of claim 17, but fails to particularly disclose generating an alert if the configuration is invalid. However, this feature is well known in the art and Beadles is evidence of the fact. Beadles teaches a configuration checker used to validate a new configuration applied by a customer and checks for any violation on the configuration, i.e. invalid configuration, and reports, i.e. alert, the violations in order for the user to correct the configuration conform with the system (p.0027). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to generate an alert when the configuration is invalid as suggested by Beadles, to ensure that the configuration of the mobile device is always valid.

10. **Claims 10 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Okkonen et al. in view of Minborg et al. (US 6,922,721 B1).

Regarding claim 10, Okkonen discloses the method of claim 1, but fails to particularly disclose wherein the configuration data comprises at least one of an access point name (APN), a web gateway internet protocol (IP) address, a short messaging service center (SMSC), system identification code (SID), system dependent information, and communication environment dependent information. However, Minborg teaches that a SIM card stores identification information

about the subscriber and home system identification information, i.e. SID, and it is notoriously well known that a SIM card comprises configuration data of a mobile phone. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to recognize that a SIM card comprises configuration data such as a system identification code as taught by Minborg, because a SIM card provides the mobile phone with the information required to access and communicate with a cellular network.

Regarding claim 20, Okkonen discloses the system of claim 11, but fails to particularly disclose wherein the configuration data comprises at least one of an access point name (APN), a web gateway internet protocol (IP) address, a short messaging service center (SMSC), system identification code (SID), system dependent information, and communication environment dependent information. However, Minborg teaches that a SIM card stores identification information about the subscriber and home system identification information, i.e. SID, and it is notoriously well known that a SIM card comprises configuration data of a mobile phone (col.6, lines 53-60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to recognize that a SIM card comprises configuration data such as a system identification code as taught by Minborg, because a SIM card provides the mobile phone with the information required to access and communicate with a cellular network.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

12. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m..

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marisol Figueroa
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